

### **REMARKS**

Claims 1-21 and 30-61 are pending in this application. Claims 30 and 55 have been amended. Claims 59-61 are new. Claims 1, 30, 34 and 55 are the independent claims. Currently, the Office has rejected Claims 30 under 35 U.S.C. § 102(b) and Claims 1-21, 31-33, 51-54 under 35 U.S.C. § 103(a). Claims 34-50 are allowed and Claims 55-58 have been indicated to contain allowable subject matter. Fees for the additional three dependent claims (\$78) are paid with the electronic filing of this paper.

#### **Allowable Subject Matter**

Applicants respectfully thanks the Office for indicating Claims 34-50 as allowed as Applicant's guide structure and equivalents thereof are not taught or suggested by the closest prior art. Further, Applicants thank the Office for indicating Claims 55-58 contain allowable subject matter. Claim 55 has been rewritten in independent form and Applicants respectfully request the Office to indicate Claim 55 and the claims that depend therefrom Allowed.

#### **Arguments in view of the 35 U.S.C. § 102(b) Rejection of Claim 30**

The Office has rejected Claim 30 as being anticipated by Atake (U.S. Patent No. 6,325,607) under 35 U.S.C. § 102(b). Without conceding the propriety of the Office's rejection, Claim 30 has been amended to include, in part, an "apparatus including said pair of opposing heating contact surfaces; and a heat shield assembly adapted to selectively interpose a heat shield between each contact surface and the strip". The Office says that Atake teaches a heat shield 85 in Figure 8 and at Col. 10, Lines 55-65 and that the heat shield 85 spans more than one contact surface, see the Office's Response to Arguments, ¶ 17 of the Final Office Action dated October 2, 2008. Contrary to the Office's position,

Figure 8 and Col. 10, lines 55-65 only teach a single heat shield 85 spanning a single contact surface 4 and Atake does not disclose a heat shield assembly that is adapted to selectively interpose a heat shield between each contact surface (i.e., said pair of opposing contact surfaces) and the strip. Applicant's Claim 30 requires two heat shields (i.e. one heat shield placed between each opposing contact surface and the strip). Neither Atake nor any of the other cited references teach the claimed apparatus requiring opposing heating contact surfaces and a heat shield assembly capable of placing a heat shield between each contact surface and the strip. Accordingly, Applicant respectfully requests withdrawal of the rejections of Claim 30 and its dependent claims (31-33 and 59-61).

#### **Arguments in view of the 35 U.S.C. § 103(a) Rejection of Claim 1**

The Office rejected Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Atake, in view of Fuji (5,571,473) and further in view of Mutti, et al. (4,778,372) and yet further in view of Griewe, et al (5,385,465). Applicant respectfully traverses this rejection and the rejections of Claims dependent therefrom. Claim 1 includes, in part, "a **stationary** guide structure for positioning and guiding the strip in the apparatus" (emphasis added). The Office states that Griewe teaches a stationary guide structure at Reference # 30, Figure 1; however, Griewe does not disclose guide 30 to be stationary. Not all claim limitations of Claim 1 are affirmatively taught, suggested or made obvious to one skilled in the art by the four combined references of the cited art (i.e., the "stationary" limitation on the guide structure of Claim 1 is not disclosed in the four combined references); and therefore, not all claim limitations were considered or addressed by the Office in the current rejections of Claim 1 and the claims that depend therefrom. See MPEP § 2143.03.

Applicants contend that Ref. 30 of Griewe is not a static or stationary guide structure and cannot be considered a stationary guide structure for at least two reasons. First, although the guide 30 of Griewe may not change its orientation to the apparatus as a whole (in that it is affixed to the apparatus), one skilled in the art recognizes that Ref. 30 must rotate in order to function as a guide; particularly, note the circular shape for rotation. If guide 30 were to not rotate or is otherwise stationary, there would be friction between guide 30 and tape 13. Such friction would result in undesirable tension or heat being applied to tape 13. The friction would occur because guide 30 is used as a pivot point for tape 13, and tape 13 would be pressured against guide 30 when indexer 26 pulls on the tape. Second, if Ref. 30 were not meant to rotate, it would not necessarily have been shown as circular but as having semi-circular or other shape, as do the respective stationary ends of ramp Ref. 45. In sum, Ref. 30 is not a stationary guide as claimed in the present invention. Therefore, because not all elements of Claim 1 have been taught or suggested by the cited art, Applicants respectfully request the Office withdraw the rejections of Claim 1 and its dependent claims.

Further, Applicants contend the combination of Griewe with Atake, Fuji and Mutti is improper whether or not the guide 30 is stationary. The key to supporting any rejection under 35 U.S.C § 103(a) "is the clear articulation of the reason(s) why the claimed invention would have been obvious". MPEP § 2142. The office states on Page 7, Lines 10-11 of the Final Office Action mailed October 2, 2008 that the reason for combining the guide 30 of Griewe with Atake, Fuji and Mutti is "for the purposes of guiding the sheet to the molding station". However, Atake, the primary reference, already has a guide 48 and there is no indication in Atake that it would benefit from the guide 30 of Griewe, there is no

indication in Griewe that apparatuses like the one set forth in Atake would benefit from the guide 30 of Griewe, and one skilled in the art would clearly recognize there is no reason or rationale for one to use the guide 30, that necessarily rolls, in the Atake apparatus. Thus, although the Office provides a reason for using the guide 30 of Griewe in Atake, the reason is an insufficient rationale and a conclusion that would not have been obvious to one skilled in the art without the benefit of Applicant's invention.

Applicants respectfully request that the Office remove the rejections of Claim 1 and its dependent claims (2-21 and 51-54).

#### Conclusion

In view of the above remarks and amendments to the claims, Applicants believe that all pending claims in the present application are in condition for allowance. Finally, the absence of additional patentability arguments should not be construed as either a disclaimer of such arguments or that such arguments are not believed to be meritorious.

Respectfully Submitted,

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